The Opinion

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William Mitchell College of Law

The Opinion

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Peters named new dean

by Tim Hassett

Geoffrey W. Peters, the young and well-traveled deputy director of the National Center for State Courts, is the new dean of William Mitchell College of Law.

In a telephone interview Saturday from his home in Williamsburg, Va., Peters spoke highly of William Mitchell and indicated that he has no immediate plans for change at the school.

Peters, 34, was selected from a group of seven finalists which included three professors from William Mitchell. The Board of Trustees made the announcement February 15.

When asked about his first impression of the school, Peters said:

"I was very much impressed by both the faculty and students. I felt the faculty was excellent—very much dedicated and very practical in their approach both to legal education and to the administration of the law school.

"I found the students to be very mature. I enjoyed the meetings I had with them very much."

Asked how he views his relationship with students, he said,

"The students are very much the constituency and the consumers of William Mitchell legal education...You can't look at it any other way."

Although he said he has no immediate plans for change at the school, Peters did say he spoke with students about full-year scheduling and to faculty members about a curriculum plan and the hiring of additional professors.

He also said that he has no immediate plans to change the make-up of the administrative staff, although that is a topic he said he will discuss with both students and faculty.

Peters was born in Delaware and raised in New York. He attended Cornell University for a year where he discovered he wasn't interested in engineering. He transfered to Northwestern University where he graduated in political science and worked as public affairs director for a local radio station.

He graduated fourth in his class at the University of Denver Law School in 1972. He attended school on a full scholarship and was associate editor of the **Denver Law Journal**. At the same time, he completed class work for a master degree in sociology, which he received in 1974.

Peters was in private practice in Denver, Colo., for two years, doing criminal defense work, and then taught at

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Geoffrey W. Peters

Judge Hachey retires—works on

by Rob Plunkett

Last December, District Court Judge Ronald Hachey "officially" retired after serving on the Ramsey County Bench for twenty-four years, the last five years as Chief Judge. The term officially is used because Judge Hachey is still hearing cases, and his retirement at this time is one in name only. His motives for staying on are two-fold: the first being a desire to help reduce the backlog of cases awaiting trial in Ramsey County and secondly, and most importantly, to continue working as a source of pleasure and personal satisfaction. When interviewed recently, the Judge indicated that he really enjoyed the job and truly looked forward to each day, relishing his contacts with the practising bar and an involvement in the study and application of the evolving law.

A brief history of Judge Hachey begins with his birth in Grand Rapids, Minnesota and subsequent upbringing in Marble. Of French and Irish extraction, his grandparents on both sides were "pioneer homesteaders" in Grand Rapids. He graduated from Greenway High at Coleraine, then completed college at the University of Minnesota. After four years with Goodyear, he enrolled at St. Paul College of Law. Upon graduation, Hachey served as an infantryman in the U.S. Army and was a member of the famous Rainbow Division. After his discharge, he along with Phillip Neville (who later became a Federal judge for Minnesota) and Gordon Johnson started a general practice firm in St. Paul. In 1955, Governor Orville Freeman appointed Hachey to the District Bench.

Sally Scoggin receives diploma from Judge Hachey.

While on the bench, Judge Hachey was called to fill temporary vacancies on the Supreme Court. While a member of that tribunal, he authored a great number of opinions covering all facets of the law, and pioneered new areas of Minnesota jurisprudence. In the case of *Lowry Hill Properties, Inc. v. Ashback Const. Co.*, 291 Minn. 429, 194 N.W.2d 767 (1971), the Court, in dealing with a sovereign immunity defense by a construction company under contract with the State of Minnesota, established in Minnesota the rule that the doctrine of sovereign immunity is not a defense available to the contractor in an ultra-hazardous activity even though he follows the specifications and directions of the sovereign. In another opinion by Judge Hachey, the Court, in the well-known case of *Peterson v. Balach*, 294 Minn. 161, 199 N.W.2d 639 (1972), abolished the tort classification between licensee and invitee status in fall down liability. Acting Justice Hachey wrote a concise opinion summarizing the reasons for judicial change. The case retains the classification of trespasser, but removed the significance of the difference between licensee and invitee status. Though the classifications are retained as a factor that a jury may consider they are no longer determinative on the issue of negligence. Now the single standard of care is the familiar tort standard of the reasonable person acting under the same circumstances.

Mike Sheahan, a practicing attorney in St. Paul and friend of Judge Hachey, described the high esteem that the Judge enjoyed within the legal community. Those who practiced before him were left with profound respect for the man, noting his capacity to give full consideration to arguments, that he was always polite, helpful, and extremely generous with his time.

The Judge has taught at William Mitchell College of Law for 25 years and taught the first moot court course (now trial advocacy). He has been on the Mitchell Board of Trustees for 10 years and served as president for six years. He was also president of the Alumni Association for many years. His memberships include the Ramsey, Minnesota, and American Bar Associations and the American Judicature Society.

Judge Hachey is the recipient of the Archbishop Brady Outstanding Achievement Award and the Outstanding Alumni Award of William Mitchell College of Law. Chief Justice Burger and former District Judge Arthur Stewart are the only other recipients of the Mitchell award.

The Judge is married and has two daughters. The entire family loves to fish and hunt at their lake home. Hachey is also a trapper, whose favorite sports and recreation area is in Ontario, Canada. He plans to maintain his home in St. Paul but spend extended periods pursuing his favorite sports in the North Country.

When Judge Hachey finally takes off the robe for the last time (should that day ever come), he will sorely be missed,

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Editorial

'The world is run by those who show up'

"The world is run by those who show up." This statement often made by Professor Jack Davies in his legal process classes, was once again put into action on Tuesday night when many Minnesota residents attended their precinct caucuses. The precinct caucus is the first step in a legal process that eventually results in nomination of candidates for political offices. But this is not the only purpose of the precinct caucus.

Maybe more important, the precinct caucus provides an avenue for people to get together and discuss the issues—whether they be national issues or purely local concerns. Actually expressing preference for candidates is perhaps second in importance to many of the people who attend their precinct caucuses. It is important to these participants to be introduced to and become familiar with the issues that will eventually be the topics of debate in the local, state, and national political contests. They need to formulate ideas and develop opinions. Many times this can best be done by discussing the issues with those that agree as well as with those that disagree with them. And the precinct caucus provides an excellent forum.

The precinct caucus therefore is valuable to the individuals. And the individuals are absolutely essential for the objectives of the precinct caucus level of the political process to be met. The marriage is a good one.

What assistance can the legal profession lend to this process? It is important to remember that it is not only the legal profession that is under attack for lack of professionalism and corruption, the elected officials and the entire political system is suffering the same attack. In many cases concerning individuals, it is well founded. The corruption of an individual, however, is no reason to throw out the system that has proven effective for many years. The willingness of the public to condemn this system is a result of lack of understanding of the benefits the system has to offer. Many members of the public have become involved in the grass roots level of the political process—the precinct caucus—and, because of confusion and lack of information, have chosen not to become involved again. In other cases, because of misinformation or lack of information, individuals have not become involved in the first place.

In both cases, better information networks and sources could greatly enhance the effectiveness of the political system by facilitating the exercise of individual political rights. Lawyers can aid this process by serving as information sources, by lending organizational skills, by seeking election to party or partisan offices.

Lawyers and law students have the education and training to be excellent candidates, to be valuable information sources, and to be effective lawmakers. They should not limit the use of their abilities to the application of existing laws. They should, instead, take an active role in developing new laws that are needed and in eliminating existing laws that are not needed. They should accept positions of leadership within their communities.

Admittedly, it is not necessary to become an elected official to have an impact on legislation and the political process. Lawyers can also insure quality political activity by taking an active role in the selection of others to become elected officials. Lawyers understand the qualifications that are needed by lawmakers, and can use their vote to select individuals who meet these qualifications.

The public looks to members of the legal profession for guidance in political decision making. It expects lawyers to use their education and experience to provide the bases for sound judgments. If lawyers are observed exercising their political choices in an intelligent fashion, perhaps the public will be encouraged to do the same.

Maybe you as lawyers and law students don't want to run the world. You don't have to. But you can make the job a lot easier for someone else.

JB

Let's clear the halls

The time has come for smokers at William Mitchell to respect the air rights of the non-smokers at the school. Generally, smokers have benefited from the grudging willingness of non-smokers to accommodate their particularly noxious habit. The current situation at Mitchell now requires special measures. This is not a matter of mere inconvenience or annoyance by the haze in the hallways. It is a question of whether some students will be allowed to complete their studies. The problem is that the intense level of smoke prevents some individuals from attending class and has resulted in hospitalization for others.

At one time it was thought that by confining the smoking to the hallways and lounge area, the problem could be localized. It could not. Smoke has a most unwelcome tendency to diffuse from the hallways into the classrooms. A building constructed as a grade school and later used for high school instruction is not designed to cope with dense clouds of cigarette smoke. No ventilation improvements have occurred since the kids moved out and the adults moved in. Only recently has the administration indicated a willingness to go beyond the nugatory measure of posting no smoking signs. Currently the administration is considering the purchase of air filters to rectify the lounge situation.

The entire third floor and the southern half of the lounge have been designated as non-smoking areas. The SBA is considering a proposal to close off the second floor to smoking. The basic right to a suitable physical environment for those in second floor classrooms is addressed in the proposal. The current plan, while alleviating the third floor situation, only aggravates the second floor problem. With the immigration of third floor smokers, the condition on second floor is worse than ever. It is not rational to favor students having classes on one floor to the detriment of students one floor below. Those in disagreement with this proposal are asked to attend the next SBA meeting and present their arguments. If valid reasons exist that support the continuance of the present plan, the SBA needs to know them.

It is incumbent upon all students to show concern for the plight of their fellow classmates. The opportunity to graduate from William Mitchell should not be conditioned upon one's ability to function in a suffocating atmosphere. Surviving exams is rough enough. The administration is most reluctant to enter into any enforcement role regarding compliance with the no-smoking rules. It is hoped they will not have to. Once aware of the health hazard their habit creates, for smokers to jeopardize the physical well-being of their fellow students would be shockingly insensitive. Mitchell students are better than that.

RWP

New opinons are always suspected and usually opposed without any other reason but because they are not already common.

John Locke,
Essay Concerning
Human Understanding

He who would distinguish the true from the false must have an adequate idea of what is true and false.

Baruch Spinoza,
Ethics pt. II

Another look

by Tom Copeland

I don't think I've disliked any phrase I've heard in law school more than, "The world is run by those who show up." Below are some sugested revisions:

The world is run by those who tell us where to show up.

The world is run by those who show up and are white, male, and wealthy.

Just showing up gets you nowhere as long as the present rules are followed and changing the rules means calling a completely different meeting.

The world is run by those who tell us what to show up for.

The world is run by those who consciously do not show up.

The world is mostly run by people making daily decisions in their lives, not by a media oriented event such as an election.

Everyone has already shown up and deserves to run their own world.

And how about applying this closer to home?

Law school is run by those who showed up long before us.

In the future we will run the law school for those who show up after us.

Law school is run by those who show up in front of the class and are listened to.

Law school is run by those who legitimize their authority.

Mitchell will be run by students when we decide we want things to look different.

Mitchell should be run by those who show up. That means us.

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We all share the same air

by Lynn Lammer

On January 28 a notice appeared in the William Mitchell docket stating:

"the entire third floor hallway is designated as a "No Smoking" area. Additionally, the south side of the lounge (the carpeted area where the food service is located) is also a "No Smoking" area. Reasons are the health of certain individuals, personal comfort, and the Minnesota Clean Indoor Air Act."

The Minnesota Clean Indoor Air Act of 1975, Minn. Stat. #144.411, (MCIAA) is an act regulating smoking at public places and in public meetings. The MCIAA is one of the most comprehensive non-smokers' rights laws in the nation. The law's purpose is to protect the public health, comfort, and environment by prohibiting smoking in public places and in public meetings. The law was passed on the basis of solid factual evidence on the health effects of second-hand smoke.

Second hand smoke is the smoke which enters the air from the burning end of a cigarette, cigar, or pipe as well as the smoke exhaled by the smoker. These are two types of second hand smoke, the former is called sidestream and the later mainstream.

Second hand smoke is a major air pollutant. In a single year, seven billion cigars and 573 billion cigarettes (over 1 billion pounds of burning tobacco) are combusted into the air.

This smoke is a complex mixture of gases, liquids, and particles which include the hazardous compounds of tar, nicotine, carbon monoxide, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, and hydrogen sulphide.

Sidestream smoke has higher concentrations of hazardous compounds than mainstream smoke: twice as much tar and nicotine, five times as much carbon monoxide, 50 times as much ammonia, and three times as much cancer causing 3-4 benzpyrene. Cadmium is also present and once it enters the lungs it stays there. Cadmium is believed to be a major factor in causing emphysema.

Carbon monoxide forces oxygen molecules out of the body's red blood cells forming a compound called carboxyhemoglobin, a measurable substance. After only thirty minutes in a smoke-filled room (this is defined as a ventilated room of under 20,000 sq. ft. where seven cigarettes have been smoked in an hour's time) the carbon monoxide level in a **non-smoker's** bloodstream increases as well as the person's blood pressure and heart beat.

Industrial standards for air pollution allow a maximum of 50 p.p.m. (part per million) of carbon monoxide in the air. The Federal Air Quality Standards for **outside** air concentrations of carbon monoxide is 9 p.p.m. A smoke-filled room has carbon monoxide levels of 20 p.p.m.!

It takes hours for the carbon monoxide to leave the body. After 3 or 4 hours, half the excess CO is still in the bloodstream. Small amounts of CO in the bloodstream results in impaired performance on psychomotor tests, a lessened ability to distinguish between objects of relative brightness, and damage to the heart and brain.

Hydrogen cyanide is a poison that attacks the respiratory system. It is not found in "ordinary" air pollution. In cigarette smoke, the concentration is 1000 p.p.m. Long term exposure to levels above 10 p.p.m. has been shown to be dangerous.

Tobacco odors are created by such elements as ammonia and pyridine, the latter is produced when nicotine burns. The odor is so intense that in an air conditioned environment, if one person is smoking, the air conditioning demands can jump as much as 600 percent to control the odor!

The human body attracts tobacco smoke because it has a low electrical potential, and burning tobacco smoke creates a high electrical potential. The smoke in a room gravitates and clings to people in much the same way iron filings are drawn to a magnet. The tars in the smoke hold the odors, including aldehydes and ketones, to skin and clothes.

Tobacco smoke can aggravate symptoms in allergic and asthmatic persons. Smoke can trigger asthma attacks.

Even non-allergenic persons suffer:

70% of nonsmokers suffer from eye irritations caused by smoke
30% develop headaches and nasal discomfort
25% experience coughs

According to ANSR (Association for Non-smoker's Rights, a Minnesota group started in 1973):

80% of nonsmokers and 51% of smokers say smoking should be banned in all public places
75% of all Americans are non-smokers
More than 30 million adults have kicked the habit of smoking

Smoke is hazardous not only to the smoker, but even more so for the non-smoker. The SBA is interested in student opinion on this issue. Non-smokers are in the majority, but their voice still needs to be heard!

Poem

on appeal . . .

I have it, it's all in my head
This bane, this boon, this brother, this sister,
This father, this mother, this triumph, this disaster, this child of humankind,
This Law.

I have been searching, searching, searching.
Reading, listening, writing.
And it's been here all the time.
Right here, in my mind, all I had to do was think.

But, what have they done to it?
They have perverted it, stretched it, crushed it,
Raped it, trampled it, converted it, laughed at it, vilified it, abused it,
This child of humankind,
This Law.

Give it back, make it whole.
For we cannot live without our soul,
It is our need, our probe of both the dark, and the light, that can come from our minds.
Return it to us that we can again be ourselves,
This Law.

It is here for some, but not all.
They have returned it . . . in pieces,
A wild jigsaw puzzle of danger and delight.
Only those with clear heads and pure hearts can attempt it.
Put it together, make it whole and clean again, please,
For the universe of us.

by Rebecca Brown ©1980

SBA President
Sue Bates

It was December 18. My mother was in the hospital, my boss was in the hospital, my 4-year old son had bronchial pneumonia and I had three finals in the next four days. The phone rang. The woman on the other end wanted to know how I felt about cottage cheese. Did I prefer large or small curd? And suddenly law school was in perspective — somewhere between intensive care and cottage cheese. My mom, boss, and son are well, I finished my Christmas cards January 6th and I am ready to take on the craziness of WMCL again.

The SBA made re-entry with a meeting on January 15. We all see the end of our term coming and feel some urgency in wanting to accomplish as much as we can. It was a busy two and one-half hours.

The Education Committee, chaired by Dennis Brown and Nathaniel Alexander has put a great deal of work into assisting the students at WMCL who would like to see the Minnesota Clean Indoor Air enforced on campus. The administration has cooperated with the SBA in the efforts and new restricted areas will be designated to provide more non-smoking areas and better ventilation. Third floor will now be posted as non-smoking as well as the food service side of the student lounge. This has become more urgent since it has surfaced that there are students who have physical problems that are severely aggravated by the smoking. We ask everyone to respect the newly restricted areas. We hope that enforcement will be self-imposed. We are also considering adding second floor to this list of restricted areas. A survey will be done in an attempt to get student opinion on this. If the survey misses you, please let one of the representatives know how you feel about it.

Rich Ruvelson is making arrangements with two of the theater chains in the Twin Cities area to purchase discount theater tickets. The tickets will be $2.25 apiece and will be good for a year at designated theaters. They will be available in the Used Book Store and we will let you know in the Docket when we have them.

It is with great regret that I must announce that we were unable to make satisfactory arrangements for the faculty-student broomball tournament this year. We'll have to leave that one for next year's Board. I thought perhaps we could substitute a faculty-student demolition derby but did not receive much support for the idea.

Bob Price has submitted a proposal that we work with the administration and faculty to acquire a terminal for a computerized legal research system (i.e. Westlaw) which would be available for use by the administration, faculty, and students of the college. He indicates in his proposal that while traditional research tools will continue to be the staple of our ability to conduct research, we must also advance to keep pace with the times.

At the last meeting John Guthmann, Editor of the Law Review received a financial guarantee from the SBA for their symposium on Worker's Compensation March 1, 1980.

Hambla Gashla! (that's an ancient Indian phrase for "go gently")

Susan P. Bates

Placement

by Peggy Riehm

There has been increasing interest among Mitchell students in employment opportunities outside of the state of Minnesota upon graduation. A survey of the present senior class (which was conducted last summer) indicates that 36 seniors (14% of those responding to survey) are willing to at least consider positions in locations out of the state. Some of the more popular locations noted were Washington, D.C., Wisconsin, Colorado, Florida, New York, California, and the Northwest region of the U.S. There was at least some interest in Pennsylvania, Oklahoma, Texas, North and South Dakota, Illinois (Chicago), and Nebraska (Omaha). A few of the respondents indicated that they were open and flexible as to relocation possibilities.

It appears that each year a few more graduates are considering this option. According to surveys conducted by the Placement Office after graduation, the following numbers of graduates relocated out of state immediately after graduation:

	Number
Class of 1977	12
Class of 1978	9
Class of 1979	20*

**The figures for May, 1979 class are incomplete; this figure is based upon responses to date and the 95% of the January graduates who responded.*

According to the responses of the 1979 graduates, a variety of methods were used to obtain these positions, including advertisements through the Placement Office, personal friends and other contacts, direct, unsolicited applications, transfers within the same company, and self employment.

The states represented by the Class of 1979 are Wisconsin (6), Michigan (3), Colorado (2), North Dakota (2), and Florida, Connecticut, Montana, Illinois, Missouri, Massachusetts, and California (1 each).

Seniors who are interested in relocating out of the state should stop in the Placement Office to discuss their decision and find out what alternatives are available to them. Among those alternatives are the following:

Reciprocity of placement services. William Mitchell College of Law is a member of the National Association for Law Placement (N.A.L.P.). One of the issues discussed at several of the N.A.L.P. meetings is the reciprocity of placement services. Many of the member law schools have indicated a willingness to assist students from law schools located outside of their state, so that their own students may in turn obtain the same assistance should they decide to relocate. In order to take advantage of this service, interested students should contact the William Mitchell Placement Office to determine, first of all, whether the school or schools in the area of their choice is one of those willing to participate. William Mitchell has, for the past three years, assisted a number of students from schools outside of the state of Minnesota, and as a result, there are many out of state law schools willing to provide this assistance to our graduates. Once it has been determined where the student wishes to relocate, a letter of introduction and a request for assistance will be written to the appropriate law school. In this case, the student must be planning a trip to the particular area, and be available for a personal visit to that placement office. Students should contact the William Mitchell Placement Office at least two weeks in advance of their planned visit so that the appropriate arrangements can be made. Past experience has proven that most law schools have been very agreeable with this arrangement, and the Mitchell students who have taken advantage of this have usually returned favorable reports. The types of services offered may vary, but many schools counsel the student and allow them to review current listings. There are, however, some schools which are unwilling to extend this service, and in those cases, William Mitchell will in turn deny such service to their graduates. However, nearly every school will discuss the job market in the area and offer advice on avenues the student may take.

Contact William Mitchell Alumni in the area. This is a valuable resource that many graduates overlook in their job searches. There are currently alumni in 45 states, Canada, Mexico, Puerto Rico and Guam. With the exception of Minnesota, the greatest concentration of alumni is found in California (60), followed by Wisconsin (50), Illinois (29), Arizona (27), Florida (22) and Iowa (15). A student would be well advised to obtain from the Alumni Office the names of alumni in the appropriate location and make direct contact. Even those alumni who are not in the market to hire a graduate would be able to offer a good perspective on the job market and offer their suggestions for job search techniques in the area. Graduates who have used this approach have found it to be quite helpful.

Recruiting Firms/Search Firms/Employment Agencies. There are several national search firms specializing in legal employment. While neither the William Mitchell College of Law nor the Placement Office endorse one agency over another, the fact remains that agencies sometimes become aware of positions that do not come to the attention of a law school placement office. Usually the positions listed with such agencies require persons with at least a few years experience. Students who have been in the workforce either prior to attending law school or while attending may qualify for these positions by virtue of their work experience.

The only local search firm specializing in the placement of attorneys which I could locate is called Legal Ease, and is found in downtown Minneapolis. This firm is a newcomer to the field and one of the partners has indicated that they have already made contracts with 100 of the top law firms nationwide. In addition to Legal Ease, a few of the recruiting firms with a management or executive emphasis have occasionally listed openings for attorneys.

Probably the best bet for a student considering the search firm alternative would be to contact all the search firms in the area they have chosen for relocation. Information on the names and addresses of these firms can be found in the *Directory of Executive Recruiters,* published by Publishing Consultants News, Templeton Road, Fitzwilliam, New Hampshire, 03447. This Directory has recruiting firms indexed by specialties, including law, and is also available at both the Minneapolis and the St. Paul Public Libraries.

Other Methods. The Federal Bar Association publishes a monthly newsletter which again contains positions which usually require some experience. Current editions are maintained in the Placement Office. To subscribe to the FBA Placement Newsletter ($15 per year for members of FBA and $25 for non-members of FBA), contact Barbara Weir at (202) 638-0252.

The Legal Services corporation publishes a Job Vacancy Bulletin bi-monthly and lists openings by location. The Placement Office maintains current copies of each bulletin, or graduates may request to be placed on the L.S.C. mailing list by writing:

Recruitment Unit
Legal Services Corporation
733 Fifteenth Street N.W.
Washington, D.C. 20005

The American Association of Law Schools (A.A.L.S.) publishes a newsletter of faculty teaching positions at member and non-member law schools. Current copies are maintained in the Placement Office for interested persons.

Students interested in the prospect of relocation should stop in the Placement Office to discuss which of these or other options would be most effective.

Graduation January 1980

That sweet smile of success

Lynn Anderson and Scott Anderson cap it off .

Multistate

It's not all it's cracked up to be

by Sally Oldham

The Multistate Examination is intended to standardize and equalize the admission requirements for attorneys throughout the country. At last count 43 states have adopted the MSE; only Arizona, Indiana, Iowa, Louisiana, Montana, Washington and West Virginia still write all of their own test.

An obvious by-product of the MSE is to enable attorneys to more easily become admitted to practice in more than one state. Of course, many states currently have reciprocity agreements among themselves which allow an attorney to gain admission to another jurisdiction's bar after three to five years of practice in his/her own state. The mobility of new lawyers, however, had been severely restricted when each state required two to three days worth of testing for admission.

Although the widespread adoption of the MSE has been welcomed by attorneys who wish to be licensed in more than one state, there are still restrictions which frustrate mobility. Approximately 40 states still retain a rule which requires applicants to be residents at the time of admission or even at the time of the test. Such a requirement was recently struck down by the New York Court of Appeals, that state's highest court, in *Matter of Gordon*, ___ N.Y.2d___ (No. 482). The court held that the residency requirement violated Article IV, Section 2, Clause 1 of the U.S. Constitution, the Privileges and Immunities Clause. New York offered the MSE for the first time last July. Because of the increased us of the MSE, it is anticipated that other jurisidictions will follow suit in striking down such restrictions.

Another limitation on the use of the MSE to facilitate multiple admissions is that some states will accept only certain MSE results. For example, for the time being, Minnesota will accept only this July's MSE scores. No results from MSE's given in other states before this July will be acceptable. Presumably, if Minnesota's Board of Bar Examiners is satisfied with this summer's exam, it will be willing to accept any future scores on the Multistate regardless of when or where it is taken.

Finally, although the MSE is centrally graded, each state still sets its own passing score. Therefore, a person may not be able to use the same score in different states.

	ILLINOIS	IOWA	MICHIGAN	NORTH DAKOTA	SOUTH DAKOTA	WISCONSIN
TYPE OF EXAM	MSE & ESSAY TEST	ESSAY TEST ONLY	MSE & ESSAY TEST	MSE & ESSAY TEST	MSE & ESSAY TEST	MSE & ESSAY TEST
MULTISTATE PR EXAM	NO	NO	NO	NO	NO	NO
PASSING %'S	FEB 78-83% JULY 78-81%	JAN 80-81%	FEB 79-67% JULY 79-80%	JULY 77-70% JULY 78-100%	JULY 77-75% JULY 78-93%	JULY 77-89% JULY 78-89%
EXAM DATES	FEB & JULY	JAN & JUNE	FEB & JULY	FEB-IF NEEDED AND JULY	JULY	JULY
RESIDENCY REQ.	NONE	MUST BE RES AT ADM	NONE	MUST BE RES AT ADM	90 DAYS AFTER EXAM	60 DAYS AFTER EXAM
EXAM FEE	$75.00	$100 FOR OUTSTATERS	$75.00	$50.00	$150.00	$125.00
ADMISSION DATES	UNKNOWN	2 DAYS AFTER EXAM	FEB-MAY ADM JULY-NOV ADM	JULY-OCT ADM	2 MOS AFTER EXAM	JULY-SEP ADM
REGIST. DATE	JULY BAR-5/1	UNKNOWN	FEB BAR-9/1 JULY BAR-3/1	FEB BAR-9/1 JULY BAR-3/1	45-90 DAYS BEFORE EXAM	FOR THIS JULY BY 5/23
RECI-PROCITY	MUST HAVE PRACTICED 5 OF LAST 7 YRS	5 OF LAST 7 YRS	3 OF LAST 5 YRS	4 OF LAST 5 YRS	MUST HAVE PRACTICED 5 YRS	5 OF LAST 8 YRS
ACCEPTANCE OF OTHER MSE SCORES	SCORES FROM LAST 2 EXAMS	DOES NOT ACCEPT	UNKNOWN	UNKNOWN	PREVIOUS SCORE ONLY	UNKNOWN
BAR REVIEW COURSES	BAKERS BRI NORDS	IOWA STATE BAR EXAM COURSE	BRC NORDS	NOTHING AVAILABLE	NOTHING AVAILABLE	BRI BRC

FOR FURTHER INFORMATION CONTACT:

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Minnesota's summer bar examination will be held on Tuesday and Wednesday, July 29 and July 30. The first day of the test will be eight hours long and will be an essay exam covering the following subjects: administrative law, equity jurisprudence, federal taxation, Minnesota practice and procedure, negotiable instruments, private corporations, sales, and wills and administration. The second day of testing will be the Multistate Examination (MSE), a 200 question multiple choice test covering Contracts (40 questions), Torts (40), Constitutional Law (30), Criminal Law (30), Evidence (30) and Real Property (30). The MSE is a six hour test.

Also beginning with the Minnesota Fall 1980 admission to the bar, all admittees will be required to have passed the Multistate Professional Responsibility Examination. The test will be offered three times every year in March, August and November. You don't need to have taken the March test to be eligible to sit for the July bar examination. Persons wanting to be admitted next Fall can take the PR test in either March or August.

Mitchell's graduating class of 103 awaits recessional

Commentary

The draft— should America register?

Pro

by Rob Plunkett

America must have the capability to respond without unnecessary delay when our vital interests are threatened. Resumption of draft registration is the first step, and the most crucial one, in attaining military readiness, for without registration, a draft is impossible. Registration cuts 90 to 100 days off the time needed to get individuals to report for training. Without it, in an emergency, it would take over three months before the first inductee reported. In the meantime, the U.S. could completely deplete its reserve forces and be in a desperate condition because of manpower shortages in combat units. The country would be faced with the choice between capitulation and early resort to nuclear weapons. Thus the country must be able to aggregate its forces into a significant deterrent as soon as possible.

This call for immediate registration in order to more expeditiously mobilize our resources is not a reaction to the current foreign crises. It is basic to the general necessity of prior planning for mass mobilization. It is not suggested that protecting Persian Gulf oil supplies is an American vital interest. To the contrary, spilling American blood to preserve oil barrels is unthinkable. American vital interests should only encompass protection of American lives, land or property. Within its borders, this country has the resources it needs in order to survive and prosper. To sacrifice its young in order to feed its ravenous oil appetite would subvert the exalted value our society places on human life.

The argument that by being better prepared to respond to military threats, we are more likely to engage in war unjustifiably is not valid. By being better prepared, we are increasing our prospects for success once action is required and discouraging those who would think they could take advantage of the American lag in mobilization. Our enemies would be aware of our enhanced capability to respond vigorously to their threats. Thus it is not a question of becoming trigger happy, but one of firing back with a bullet rather than a BB.

It cannot be seriously questioned that the power to raise armies was given to the government by the people in the constitution. Article II Section 8 explicitly grants Congress the power to raise and support armies. This clearly entails drafting individuals to comprise these armies. Any claim that the draft is a form of involuntary servitude ignores the fact that the people voluntarily gave Congress the power to conscript, and that they retain the right to revoke that power by amendment to the Constitution. It is also clear that the 13th Amendment's proscription of involuntary servitude was not meant to limit Congressional power to draft, and is no authority for the proposition made above.

In summary, this country should not have ended registration after Vietnam. A basic assumption of the volunteer force was that registration would continue. The Gates Commission, which recommended the volunteer military, never envisioned that we would have no contingency plan for emergency mobilization based on the draft. It is unrealistic to think that this country would never have to mobilize its forces in response to external threats. Once this country is engaged in war, we won't have the luxury of a time out while we try to find out who is potentially draftable, where they live and how we can get them to training camp. Wartime is not the best time to set up fair, reasoned draft procedures. Conscientious objector hearings, physical and occupational disqualifications are time consuming procedures that would best be handled before war is declared. Modern war has changed its timetable, and the train that runs late might not run at all.

Con

by Tom Copeland

Sabre rattling time is here again. If you listen you can hear the sound of holsters being buckled down and the nervous stamping of heavy boots.

The word has gone out that the lawless frontier is once again aflame and only the U.S. cavalry can save the day. Boots and Saddles! We cannot be caught unprepared. Our country's honor is at stake, our cause is just, and we shall prevail over our enemies.

When I was in junior high school I used to hide my weapons of war around our house. A rubber knife, a rope, a cap shooting rifle, and a derringer. It was very exciting to find secret places and store my weapons in different rooms so that I always felt prepared. Prepared for what, I never figured out. But I was ready for my imaginary enemy.

I am sick at heart to see all the tired old arguments reappearing about why we need military registration and increased defense spending to make the world a safer place to live in. My god, we just finished losing a terrible war which left thousands of people dead and caused thousands more to suffer in the aftermath of our systematic destruction of Vietnam and Cambodia. Do we feel safer as a result? Is the world a safer place for our folly?

I urge everyone eligible for registration for the draft not to register. I call upon those of us who are too old to register, to support everyone who does refuse, by offering legal, financial and moral aid.

There are a number of reasons why registration for the draft makes no sense and will only cause further problems.

1) How many soldiers do we need to defend ourselves? I've never heard anyone address this question. Our acid-crazed generals can't get enough bodies and their fix only gets bigger. We now have hundreds of thousands of people armed to the teeth all over the world with all the latest repeater rifles and new-fangled gattling guns. Yet our leaders keep acting like Russian troops are about to storm Fort Apache. I seriously doubt that any foreign force will ever be able to successfully invade and conquer this country. We've got a bigger death machine than we'll ever need.

2) What about protecting our vital interests abroad? Don't we need a draft for that? Well, what exactly are our vital interests? Exxon and Mobil oil wells? American hostages? I think not. We're asking the wrong question. It should be restated as, How are we going to protect our vital interests? We don't do it by going to war and killing. That's how we tried to protect what we thought were our vital interests in Vietnam. It didn't work and I dare say that now we probably wonder what vital interests were involved there.

Are we saying that we're willing to kill and die over what we perceive to be our right to buy oil from another country? Under the good old free enterprise system, it's my understanding that all the oil producing countries are perfectly free to stop selling us their oil if they want. Does Russia have a right to our wheat? Of course not. Aren't these vital interests of each country? We can't do business in the world by trying to kill our suppliers.

3) War is not a practical or efficient way to solve political and economic world problems. It's a no win game. The most progressive thing we could do for world peace would be to completely dismantle our war machine and vow to resist nonviolently any aggression against us. Registration feeds an inferno that can only be put out by withdrawing the fuel.

4) Registration and military spending is inflationary. Money spent for social services creates more jobs per dollar than money spent on weapons.

5) It's a mistake for women to fight for their right to be drafted. Forget all that crap about women not being ready for combat. We should be trying to break the men out of prison, not trying to break the women in. Women should not be drafted. Men should not be drafted. The volunteer army should be sent home.

6) Most importantly, registration and the draft greatly expand the power of government over our lives. Militarism is a coercive cancer that will eat away our liberties and freedom. Government demands for conformity will grow stronger in an environment of war preparedness. As we continue to centralize and concentrate our resources under the tighter control of government, the chances increase that we will be led down the road to oblivion by a mad leader who believes that might makes right, or by a good leader who makes one mistake.

Committee addresses court reform

by Rich Ruvelson

Just mention the topic court reform and you will quickly find out that many members of the bar and special interest groups have their own specific pet concerns. It may interest you to know that there is at least one organization whose purpose is court reform with many varied concerns ranging from court reporters to intermediate appellate courts. This group is the Judicial Planning Committee.

The Judicial Planning Committee is composed of judges, attorneys, legislators, court administrators, and lay people from throughout the state of Minnesota. The committee members were appointed by Minnesota Supreme Court Justice Robert Sheran. Associate Justice Lawrence Yetka serves as chairman. The committee is financed with federal funds which were made available to all states, beginning in 1976, for the sole purpose of studying state judicial systems. The committee's staff of five is housed in Mitchell's Legal Education Center.

The committee is composed of 10 subcommittees, each dealing with its own particular topical concerns. The subcommittee that has so far generated the most controversy, and promises to continue to do so, is the Appellate Courts subcommittee. Last year, in response to a bill creating a permanent district court appellate division, support was given to a plan temporarily creating appellate panels in the district courts. District Court Judges opposed both plans, citing an already heavy case load, and strong opposition was also mounted to both plans in the legislature.

This year, using a different method, the Judicial Planning Committee and its Intermediate Appellate Court Subcommittee are again seeking the creation of an intermediate appellate court. A summary report of the subcommittee issued in January calls for an amendment to the Minnesota State Constitution creating a court of appeals inferior to the Supreme Court. The considerations behind the recommendation are: the decision of the Supreme Court to discontinue the use of three-judge appellate panels for oral hearings as of September 1980; the fact that the Supreme Court has exhausted all acceptable alternatives, short of creation of an intermediate appellate court, to enable it to process the increasing caseload; the avearge case processing time of the Supreme Court; and the Supreme Court's rising case load.

Shortly, the Committee will issue a report as to how the intermediate appeallate court would be set up. It will be some time though before any verdict is returned. A future issue of the *William Mitchell Law Review* will be devoted to debate on the appellate court, as will future articles in *The Opinion*.

On other fronts, the Committee has prepared a bill at the request of the Judicial Council which would restructure the administrative mechanism for delivery of defense services to indigents. The bill is currently pending in the legislature.

The Trial Judges Benchbook Subcommittee is currently drafting a criminal trial benchbook for use in Minnesota Trial Courts.

The Trial Court Budget and Personnel Subcommittee, charged with the analysis of the current budgeting and personnel practices of Minnesota's Trial Courts, is recommending the creation of a judicial personnel system and the transfer of county clerks of court to the state court payroll. Such moves, it is felt, would upgrade and strengthen the management component of the trial courts.

While there has been some criticism that the Judicial Planing Committee has not always been sensitive to local needs, most of those knowledgeable of the committee's activities are generally happy with efforts that aim primarily at allowing judges to serve in their capacity as judges and allowing others to do the actual managing of the judicial system.

Law Review ready soon

According to John Guthmann, Editor-in-Chief of the William Mitchell Law Review, the first issue of Volume 6 will be ready for distribution around April 11, 1980. Volume 6, Issue I includes lead articles by Professor Mike Steenson on "The Anatomy of Products Liability in Minnesota: The Theories of Recovery" and John M. Stuart on the "Judicial Powers of Non-Judges: The Legitimacy of Referee Functions in Minnesota Courts." Student works include "Preserving Minnesota Wetlands: Plugging the Leaks in the Minnesota Water Management Law" by graduate Jim Pauly and "The Retroactivity of Minnesota Supreme Court Personal Injury Decisions" by Greg Stenmoe.

Students who have not picked up Volume 5, Issue 2 of the *William Mitchell Law Review* are reminded to do so at the *Law Review* office. Articles in Volume 5, Issue 2 include "Due Process and Minnesota Long Arm Jurisdiction: A Criticism of the Minimum Contacts Standard" by graduate Francis Graham, "Minnesota and the Fair Credit Reporting Act: A Proposed Reform of an Inadequate Law" by Dave Bartel, "The Minnesota Open Meeting Law After Twenty Years – A Second Look" by graduate Tom McCormick, "Stacking of Basic Economic Loss Benefits Under the Minnesota No-Fault Automobile Insurance Act" by graduate Rod Anderson, and "Wrongful Conception" by graduate Bob Webster.

Recent Cases

Savchuk is dead

by Professor William B. Danforth

Savchuk, 245 N.W.3d 624 (Minn. 1976) (*Savchuk* I), 272 N.W.2d 888 (Minn. 1978) (*Savchuk* II) is dead, *Rush v. Savchuk,* 48 U.S.L.W. (U.S. Jan. 21, 1980), long live *Shaffer v. Heitner,* 433 U.S. 186 (1977)!!

Shaffer v. Heitner was a Delaware quasi in rem action in which the plaintiff brought a derivative stockholder's suit for damages sustained by a Delaware corporation from illegal acts in Oregon by non-resident defendants who were directors and stockholders of the company. The property interests of the defendants in the corporation, represented by their shares of common stock, were sequestered (in effect, garnished) by service of notice on the corporation in Delaware. The defendants were served with process by mail addressed to their residences outside of Delaware.

The Supreme Court, finding no quasi in rem jurisdiction, held that in the absence of any connection among the property interests sequestered, the forum, and the subject matter of the litigation (the claim or cause of action sued upon), 433 U.S., at 213, there must be such a relationship among the defendant, the forum, and the subject matter of litigation, 433 U.S., at 204, 213, as to satisfy the due process standards of *International Shoe Co. v. Washington,* 326 U.S. 310, 316, 317 (1945) and *Hanson v. Denkla,* 357 U.S. 235, 253 (1952). These cases established that for valid *in personam* jurisdiction the non-resident defendant or foreign corporation is required to have such purposeful, minimal contacts with the state of suit that it is fair and reasonable to compel the defendant to defend the particular suit in the forum state. This, the court said in *Shaffer v. Heitner,* is the due process standard that shall henceforth be applied in all actions, whether in personam, quasi in rem, or in rem. 433 U.S., at 207, 212.

Savchuk was a Minnesota quasi in rem action in which plaintiff of Minnesota (formerly of Indiana) sued the defendant of Indiana for damages for personal injuries resulting from an automobile accident in Indiana. The contingent liability of the defendant's liability insurer, licensed and doing business in Minnesota, was garnished (Minn. Stat. sec. 571.41, subd. 2 (1978)) by service of garnishment summons in Minnesota upon the insurance company's designated Minnesota agent. The defendant insured was personally served with process in Indiana. Minn. R. Civ. P. 4.04.

The Supreme Court held there was no due process basis for quasi in rem jurisdiction over the defendant's property interest in the contractual obligation of the insurer to indemnify the defendant insured up to the policy limits against any recovery by plaintiff. The Court could find no sufficient connection among the defendant's property interest, the forum, and the litigation, despite plaintiff's argument to the contrary that the contingent obligation to defendant insured under the insurance policy arose as a result of the automobile accident. 48 U.S.L.W., at 4091. Also, the Court found that no relationship existed among defendant, forum, and the litigation. 48 U.S.L.W., at 4090, 4091. Finally, the Court rejected plaintiff's contention that this suit was the equivalent of a judicially created direct action against the insurance company with the due process basis supplied by the relationship of the insurer to the State of Minnesota. 48 U.S.L.W., at 4091.

So, *Savchuk* is dead, killed by *Shaffer v. Heitner;* but questions remain to be answered as a result of these decisions. For example, suppose the plaintiff in *Savchuk* had caused a Minnesota farm or apartment building or lake cottage owned by defendant to be attached, or a Minnesota bank account or savings account of the defendant to be garnished? What if the *Savchuk* defendant was personally served with process while at the farm, or apartment building, or lake cottage, or while in Minnesota on business, or on vacation, or while merely passing through the state? Would any of these contacts with Minnesota, unrelated to the cause of action sued upon, supply an adequate due process basis for quasi in rem or in personam jurisdiction in a Minnesota suit? Could Minnesota enact a direct action statute authorizing suit against a liability insurer that would constitutionally apply to the *Savchuk* situation? See *Watson v. Employers Liability Insurance Corp.,* 348 U.S. 66 (1954).

Is there still an adequate due process basis for in personam jurisdiction over a foreign corporation that does a regular systematic business or is licensed to do business in a state, or over a domestic corporation, when suit is brought agains the corporation on a cause of action unrelated to any corporate business in the forum state?

In *World-Wide Volkswagen Corp. v. Woodson,* 48 U.S.L.W. 4079 (U.S. Jan. 21, 1980), a case argued and decided on the same dates as *Savchuk,* the Supreme Court elaborated further on the due process basis standards of *International Shoe - Hanson v. Denkla.* In *World-Wide Volkswagen,* the Court held that no due process basis existed in an in personam suit in Oklahoma for service of process outside Oklahoma on a wholesale Audi automobile distributor doing business only in New York and New England or on a retail Audi dealer doing business only in New York. Plaintiff, a resident of New York, purchased a car from the dealer in New York. The next year, while driving from New York to Arizona, where he planned to make his home, he and his family were injured in Oklahoma by reason of a defect in the car.

William B. Danforth

The Court held that the mere foreseeability that the car might be driven by a purchaser to any state, including Oklahoma, did not provide a due process basis. The mobile nature of the product is irrelevant. 48 U.S.L.W., 4082, 4083.

First, reiterating the *International Shoe - Hanson v. Denkla* standards, the defendant must have such purposeful, minimal contacts with the forum state, depending upon the nature, quality, and quantity of those contacts, as to make it fair and reasonable to compel the defendant to defend the particular suit in the forum state. 48 U.S.L.W., 4081.

Second, in determining whether it is fair and reasonable to subject the defendant to that burden the court shall consider:

1. The extent and weight of the burden on the defendant, which is the **primary** concern;
2. The forum state's interest in providing a forum;
3. The plaintiff's interest in obtaining efficient, convenient relief.
4. "The interstate system's interest in obtaining the most efficient resolution of controversies"; and
5. "The shared interest of the several states in furthering fundamental substantive social policies." 48 U.S.L.W., 4081.

The Court was unable to find **any** significant contacts of the defendants with the State of Oklahoma. Neither defendant advertised, solicited business, or made any sales in Oklahoma. 48 U.S.L.W., 4082. The benefits the New York and New England dealers might realize from the use of Oklahoma highways by Audi automobiles or from the services provided by Oklahoma Audi dealers were too tenuous to supply significant minimal contacts with the State of Oklahoma. The Court held no due process basis existed for personal jurisdiction over the defendants in Oklahoma. 48 U.S.L.W. 4083.

The due process basis guidelines enumerated in *World-Wide Volkswagen* do not necessarily require any relationship between the defendant's contacts with the forum state and the cause of action sued upon. Therefore, application of the guidelines may provide a solution to some of the questions specifically here presented.

School News

Kirwin named reporter

Professor Kenneth Kirwin has been named Reporter for the Committee on Rules on Criminal Procedure, appointed by the National Conference of Commissioners on Uniform State Laws.

The charge to the committee is to bring uniform rules on criminal procedure into closer harmony with American Bar Association standards which were revised and amended in February, 1979.

Kirwin previously served as a staff director and draftsman to the National Conference of Commissioners from 1971-74, in the preparation of the original Uniform Rules of Criminal Procedure.

The National Conference of Commissioners on Uniform State Laws is composed of commissioners from each of the states; the District of Columbia and Puerto Rico. Among the Minnesota commissioners who are appointed jointly by the supreme court, the governor and the attorney general is Jack Davies, professor of law at William Mitchell, and Maynard Pirsig, professor of law at William Mitchell who holds life membership as a commissioner.

Dean Bruce W. Burton stated that he is extremely pleased with the recognition that has been given to Professor Kirwin by this appointment and Burton further stated that this participation is a tribute to Profesor Kirwin's sense of public duty and his fine reputation as a dedicated scholar.

Parking ordinance advances

Unless William Mitchell students soon find parking places somewhere other than on Portland or Ashland Avenues, they could well come out after class one night soon and find either (1) their cars have been towed, or (2) a ticket on their windshield calling for payment of a $25 fine.

At a meeting on Thursday, February 21, 1980, the Public Works Committee passed a motion by Councilman Ron Maddox calling for the city's staff to present permit parking plans for the area around William Mitchell and the St. Paul Campus of the University of Minnesota to the City Council in the near future. Councilman Maddox also asked the staff to try and work out some problems with the proposed ordinance which were expressed by various speakers.

A William Mitchell student who lives near the school pointed out that requiring permits to park on Portland and Ashland will not resolve the problem, and by itself will not persuade students to use the House of Hope lot which is considered unsafe for many students to use. By requiring permit parking on Portland and Ashland, the student pointed out, the city would simply be "pushing the problem around the corner."

Other provisions of the ordinance also presented problems for the student. One section would allow only two resident permits per residence to be issued. As a result, if five students with cars, or five other individuals with cars, live on either Portland or Ashland, two of them could get permits, while the others would be forced to seek other parking. In addition, renters in the area would have no right to agree or refuse to sign the initial petition requesting permit parking. The ordinance reserves that right for "fee owners" of property affected.'

It was suggested at the hearing that the administration and students work together to initiate some sort of shuttle system to make use of the House of Hope lot safer than in the past.

As I See It ...

by Jennifer Bloom

As I sat in my office the other day, I heard many people discussing the pros and cons of registration for the draft. One entertaining individual recalled the worthwhile statements made by someone on television: "Draft only smokers: Put registration booths at the ends of jogging paths." (A good way to cut the costs of physical examinations!) "Implement a strong affirmative action program and draft women only until they are proportionately represented." How about making registration the final penalty for failure to pay law school tuition on time?

Did you hear the one about the judge in Leeds England who, upon entering the courtroom without a wig (horrors), said, "If you're wondering why I'm only half dressed, I ask anyone who knows anything about a stolen judge's wig to tell the police."

Speaking of legal wardrobes, is it true that part-time law professors are paid so poorly that they must wear the same suit every day, or is it just that they have a "Monday suit" and teach at Mitchell every Monday night? Maybe the way to find out the answer is to attend a makeup session on Tuesday night.

While discussing the upcoming caucuses with a friend recently, he told me a clever joke. "Fairy tales used to begin with 'once upon a time', now they begin with 'if I am elected.'" Funny, but disturbing.

Peters

from page 1

Creighton Law School in Omaha, Neb., for six years before joining the National Center for State courts in 1978. He currently teaches at William and Mary Law School.

The National Center for State Courts is the states' counterpart to the Federal Judicial Center. The Center provides research and development for state court systems and is located in Williamsburg, Va.

Peters is married and has two children. His wife, Cecile, graduated in business from Northwestern University and did graduate work at Denver University. Their son, Gregory, is nine and will enter the fourth grade. Their daughter, Jessica, is two.

Peters said he has been swamped with brochures from local real estate firms since his selection was announced here on February 15. He plans to visit Mitchell a number of times yet this school year before moving this summer. He is here this week for meetings with the faculty, the Board of Trustees and a select group of students.

Three William Mitchell professors were considered for the dean position. They are: Bernard Becker, Associate Dean Marvin Green, and C. Paul Jones. The other candidates were Professor William R. Jones from Indiana University, Associate Dean Michael J. Navin from the University of San Diego, and Associate Dean Steven R. Smith from the University of Louisville. Acting Dean Tom L. Holland from the University of Tulsa was also a candidate but he withdrew for personal reasons.

Hachey

from page 1

for he has carried a tremendous caseload, taking more than his full share of cases. It would be hard to calculate the immense amount of time the Judge has devoted to the bench and legal community. The weight of his contributions to all causes is ponderous, but his singular dedication to the fair and efficient administration of justice is the predominant trait of this most generous man.

STRAIGHT TALK FROM MBR/BRI

With the pressure of the Minnesota Bar Examination approaching, rumors concerning the two bar review programs in Minnesota are flying. Minnesota Bar Review/BRI, Inc. wants you to choose your bar review course based on fact, not supposition and rumor.

Let's cut the gimmicks and the doubletalk. Here are the facts:

MULTISTATE IS HERE. MBR/BRI IS READY!

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MBR/BRI has a complete program scheduled on March 9, 1980, to prepare you for the Multistate Professional Responsibility Examination. This one day program will give you all the information you will need to get you through the P.R. Exam. At MBR/BRI, we don't leave anything to chance. Your future is not worth the risk.

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Contact your campus representatives or the MBR/BRI office for information.

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MBR/BRI believes the best way to get an insight into how the Minnesota Bar Examination is graded is to ask the people who have graded it in the past. Unlike a machine, they can give you the advice that can make the difference between success and failure.

OUR NUMBERS SPEAK FOR THEMSELVES.

Every year, the overwhelming majority of students preparing for the Minnesota Bar Examination takes MBR/BRI. Last year, seven out of ten William Mitchell students chose MBR/BRI. The reason is simple. We come through for you. With outstanding lectures, excellent written materials, practice examinations, writing seminars, personal interviews with former bar exam graders, convenience, and service.

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YOU WON'T WALK OUT OF OUR LECTURES.

MBR/BRI lecturers are more than experts on the law and more than experts on the bar examination. They know how to communicate. They know how to teach.

Each year, MBR/BRI improves the quality of its faculty by interviewing the top law lecturers in the country. We are proud of our faculty, people like Irving Younger, John Moye, and David Epstein, most of whom have been lecturing on the bar examination for years.

No other group of professors is as knowledgeable about the bar examination, nor as capable of teaching law school graduates how to pass the bar examination, as the MBR/BRI faculty.

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When you sit down to write the bar examination, you will be glad you chose MBR/BRI. Our outlines cover all bar exam subjects clearly and concisely in a format which will allow you the time to read and reread them. After all, what good are long outlines if you do not have the time to read them?

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Jennifer Bloom
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PROFESSIONAL RESPONSIBILITY REVIEW COURSE

SUNDAY, MARCH 9, 1980
11:30 a.m. to 6:00 p.m.
O'Shaughnessy Educational Center
College of St. Thomas

Call 338-1977 to register.

Justice Douglas: in memoriam

by Tim Shields

Maine, Minnesota, a small town near the North Dakota border, is not known as a cradle of American liberty. yet, as the leaves turned to red and gold in 1898, it was in this midwestern hamlet that William Orville Douglas was born.

When Douglas was very young, his family left Minnesota and moved to Yakima, Washington. Douglas was at home among the mountains and rivers of the Northwest. In his youth Douglas hiked and camped in the mountains, feeling that the land gave him strength and courage. As a boy "Orville" was struck with polio. But by his early teens he overcame it with vigorous exercise.

Douglas worked his way through Whitman College, and then traveled by freight train to New York City and Columbia Law School. In 1925 Douglas graduated second in his class. He began his career on Wall Street, moved on to teaching at Columbia and Yale, and then to public service. In 1934 he became a SEC Commissioner, and four years later he was its chairman.

In 1939 Justice Louis D. Brandeis resigned from the United States Supreme Court. Douglas was then appointed to the court by his close friend, Franklin D. Roosevelt. Douglas was only 41 years old. For the next 36 years, until a stroke forced him to retire in 1975, Douglas spoke "softly and angrily" in support of our liberty.

The American experiment in democracy, and government by the people was not an idea to Douglas, it was an ideal. He once described it this way; "...we the people are the sovereigns; the state and Federal officials only our agents. We who have the final word can speak softly or angrily. We can seek to challenge or annoy, as we need not stay docile or quiet..."

Douglas was seldom quiet. He wrote 17 books, and countless legal opinions in his life on a sea of issues. But when it came to protecting the people's right of free speech, privacy, and individual liberty, Douglas shined like a lighthouse beacon on the waves. John Adams and Douglas held the same belief about the First Amendment; it must not be violated if the American spirit was to live on. In *Dennis v. United States,* 341 U.S. 494 (1951) Douglas wrote:

> Free speech has occupied an exalted position because of the high service it has given our society. Its protection is essential to the very existence of a democracy. The airing of ideas releases pressures which otherwise might become destructive. When ideas compete in the market for acceptance, full and free discussion even of ideas we hate encourages the testing of our own prejudices and preconceptions. Full and free discussion keeps a society from becoming stagnant and unprepared for the stresses and strains that work to tear all civilizations apart...There comes a time when even speech loses its constitutional immunity. Speech innocuous one year may at another time fan such destructive flames that it must be halted in the interests of the safety of the Republic. That is the meaning of the clear and present danger test. When conditions are so critical that there will be no time to avoid the evil that the speech threatens, it is time to call a halt. Otherwise, free speech which is the strength of the Nation will be the cause of its destruction."

Those of us now studying the law would do well to remember William Douglas. He was a 20th century Founding-Father. So often we think about the law as only an occupation, an income. We lose sight of the real purpose of the American legal system. What is that purpose? To Douglas it was to protect freedom. Freedom to speak, print, assemble, inquire, protest, associate, think, believe, teach. In essence it was "to secure the blessings of liberty to ourselves and to posterity." Hold the memory of Justice William O. Douglas and you will be free.

Death and dying is topic of Law Day

As part of the annual Law Day programs (May 1 of every year) the Law Student Division of the American Bar Association in conjunction with William Mitchell College of Law is offering a three-day seminar on 'Death and Dying'.

All students and faculty at William Mitchell are invited. There is no cost for students who wish to attend the seminar. There will be a charge, however, for meals and entertainment. The seminar is limited to 250 participants so early registration is advisable.

The seminar's purpose is twofold: 1) to have professionals and students explore, from a professional viewpoint, the various legal, medical, and social questions involved with death and dying; and 2) to explore these questions on a personal level as well as a professional level.

These purposes will be accomplished through a dynamic program of nationally known speakers, expert panels, and small discussion groups. Several award-winning films on death and dying will also be shown during the three day period.

Such issues as euthanasia, living wills, suicide, and various kinds of personal loss, such as divorce, will be discussed and explored.

This seminar is the first of its kind (nationally) in viewing the subject (of death & dying) from the perspective of the professions interacting together.

According to Lynn Lammer, Program Director, "Everyone I have talked with is very excited and enthused about this seminar. The administration at William Mitchell has been supportive and very enthusiastic about the endeavor."

A committee of eight persons from the professions of law, social work, medicine, nursing, and psychology, as well as the humanities, are responsible for the three-day seminar.

Registration information will be available in mid-March. Watch the docket for further details.

Sports

Should U.S. boycott the Olympics

The critics of President Carter's planned boycott of the Moscow summer Olympic Games argue that politics shouldn't be mixed with sports, and these critics are absolutely right. Unfortunately, the present day reality is that not only are politics already mixed with international sports, but they are often so intertwined as to be almost indistinguishable. And nowhere is this more true than the Olympic Games.

Pro

The modern Olympic Games do not really belong to the athlete, but instead are captive to the nations of the world who use them for their own political purposes. The African nation's boycott of the 1976 Montreal games in protest against New Zealand and the Munich massacre in 1972 that left eleven Israelis dead are only examples of a list that goes on and on.

Even the U.S. is not immune from politicizing the Olympics. Unlike many communist countries (particularly East Germany and Russia) the United States does not subsidize its athletes so that it can prove to the world that our system of government is the best. Even so, Coach Herb Brooks' statement to President Carter after Team U.S.A.'s gold medal hockey victory that "Our way of life is a correct one" shows that politics is never far removed from international sports competition.

The acceptance of the interjection of politics into international sports is not an expression of cynicism, but merely an acknowledgement of reality. The Russians haven't spent hundreds of millions of dollars in preparation for the Moscow games simply to provide a setting in which to determine the strongest or the swiftest or the most skilled athletes of the world. In fact, the Russians openly acknowledge that their motive is to show the world that their system of government is "correct". Or course, this also means that dissidents must be cleared from Moscow so that this image of "correctness" won't be marred.

It is not a matter of whether politics should be a part of the Olympic Games, because they are, and probably always will be. Instead, the question is what is the proper response to an Olympic host who flouts the Olympic spirit by engaging in blatant acts of aggression against a neighboring country.

There are probably few today who would argue that the U.S. made the right decision by competing in Hitler's 1936 Berlin Olympics. Yet, by competing in the Moscow games, the United States would abandon its principles and morality as surely as they did by competing in Berlin in 1936. It is unfortunate that those who really suffer are the athletes, who are probably the people farthest removed from politics. Yet, the U.S. cannot shirk its responsibility to stand up for what it believes is right, and a boycott of the Moscow Olympics is necessary.

Fifty of our citizens are waiting for Godot in Iran and we threaten straight-facedly – six months in advance – to keep our sprinters and swimmers away from Moscow as a statement to the world. In a world without heroes, without hope, without oil, it is not surprising that so many have seized upon an Olympic boycott as a noble touche to the Russian incursion into Afghanistan.

Con

Quicker than you can spell Chappaquiddick, the Carter folks were off the blocks calling for moving or cancelling the Games or for a U.S. no show. Even purists who decry the politicization of the Olympics joined the folly and were righteously indignant when the internationally maligned IOC refused to bow to American pressure.

The canon of the purists of myopia is best explicated in the current (2/11/80) *Time*. True to its role as canned conscience for the college educated, *Time's* essay admonished that the failure to boycott the Olympics would be "an abject confession of American weakness, of an absence of will...supine acquiescence." While admitting that the Olympics "are one of mankind's earliest and best ideas," *Time* nevertheless pronounced a failure to boycott as an act of diplomatic negligence.

Sadder than the press bedding down with government is the shallow hubris afflicting them both. Raising refusal to participate in the 1980 Summer Olympics to a level of dire national import is to strain at a gnat. Meanwhile, the Russians not only are busy doing whatever they're doing in Afghanistan but also have made it clear that they will be in Los Angeles in 1984 no matter what the U.S. does this summer. If we are to chase about for Pyrrhic victory to teach the Russians a lesson, at least we could be nasty or creative.

Four years of practice and anguish issue into those few moments of Olympic competition that testify to a human spirit universally shared. Focus if you will on the evils of nationalism and commercialism – but they are impossible to eliminate and easy to ignore when a country's athlete is solitary on the stand.

If we are going to keep our athletes home this summer, it should be because of a consistent diplomatic policy with Russia. As an isolated gesture, the Olympic boycott is as powerful and purgative as a john wall graffito.

Date set for hockey contest

On Sunday, March 9 the William Mitchell All-Stars again don their skates to defend the coveted Res Ipsa Loquitur Cup, symbol of law school hockey supremacy, now standing proudly in the first floor trophy case (if you have trouble finding it, the cup is located next to the humongous Chris Sitzmann monument on the second shelf). This year's challenger is the previous year's holder, the University Law School and the rematch is expected to be a fast, high-scoring, exciting affair. Last year the All-Stars rallied from a four goal deficit to win 9-7.

The Res Ipsa Loquitur Cup is now four years old, originating from a challenge by the North Dakota Law School to the U Law School. The U's outfit, the Fraser Flyers, easily turned back the Nodaks. The next year no challenge materialized from any other law school, so a group of University first year upstarts took on the fabled Flyers, and to the surprise of all, tied them. Last year marked Mitchell's first appearance in this prestigious challenge series.

The coach of the All-Stars has indicated he is looking for four or five good hockey players to fill the gaps left by graduation, especially any individual with goal tending experience. Any interested players are to give Rob a call at 645-8541. He also mentioned that the All-Stars have a solid core of veterans returning from last year's squad. College All-Americans Bernie Dusich and Gary Hanson are expected to provide some offensive firepower, while Joel Flom and Mike Weiner anchor the defense.

This year's tilt may prove even more competitive than last year's battle, as scouting reports indicate the U combo is stronger with the addition of Dave Baker and the jelling of the Bender line. The game will be played at Williams Arena and the exact moment that Cup Chronicler Professor J. J. Cound drops the opening faceoff is 6:55 in the evening.

Next Opinion Deadline

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